

Sec. 15-82. Use in public places prohibited.

No person shall use or occupy or permit the use or occupancy of any house car, camper, or trailer coach, recreational vehicle or any other motor vehicle, car, truck, or bus, etc., for human habitation, including but not limited to sleeping, eating or resting, either singly or in groups, on any street, park, beach, square, avenue, alley or public way within the city, between the hours of 10:00 p.m. and 6:00 a.m. (Ord. No. 726, § 1, 11-27-84)

Secs. 15-83—15-89. Reserved.

ARTICLE VI. DISORDERLY SOCIAL EVENTS

Sec. 15-90. Certain social gatherings unlawful.

No person shall suffer, permit, allow or host a social gathering at his or her place of residence where ten (10) or more persons under the age of twenty-one (21) are present and alcoholic beverages are in the possession of, or are being consumed by, any person under the age of twenty-one (21) years. (Ord. No. 812, § 1, 6-13-89)

Sec. 15-91. Citable offense; social response fee.

(a) *Special Response Fee Authorized:* When three (3) or more persons gather together at a premises or place in the city and a police officer at the scene determines that one (1) or more persons are engaged in activities which are causing a threat to the peace, health, safety or general welfare of any member of the public or that such activities in any way constitute an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of any other person, the police shall give notice to one (1) or more of the persons who are engaged in or who are in control of such activities that the activities must immediately cease, and that if a subsequent police response arising out of said activities is required within twelve (12) hours following such notice, a special response fee will be charged to each person identified in subsection (b) below.

(b) *Liability for Fee:* Each person responsible for or engaged in activities requiring a response as defined in subsection (a) above will be held jointly and severally liable for payment of the cost included in the special response fee. If any person responsible for or engaged in activities is a minor, the minor's parents or guardians shall also be liable for such fee.

(c) *Calculation of Fee:* Said special response fee shall be calculated as the sum total of all costs incurred by the city in connection with each response as defined in subsection (a) above, including but not limited to the costs incurred by the city for employee time, applicable administrative overhead costs, costs incurred to repair any damage caused to city property, and costs incurred relating to any injuries to city personnel. Such fee will not be in excess of one thousand dollars (\$1,000.00) for each single response. The remedies herein set forth are nonexclusive and are in addition to any and all other remedies available to the city as provided by operation of law. The Belmont Police Department shall submit billing documentation to the finance director.

(d) *Recovery of Costs:* The costs of such a special assignment shall be a personal obligation of the persons who created, caused, committed or maintained the nuisance. In addition, the costs of such special assignment may be made a lien against the property on which the nuisance was maintained and shall be a personal obligation against the property owner as herein set forth.

(e) *Billing:* When the city has incurred response costs as set forth in this article, the actual cost thereof, plus accrued interest at the rate of ten (10) percent per annum from the date of billing, shall be charged to the person or persons responsible. The person or persons responsible under this article shall be billed by mail, and the bill shall apprise the owner that failure to pay the bill may result in a lien on the property.

(f) *Nonpayment:* When the full amount due to the city for second or subsequent response costs as set forth in this article is not paid by the person or persons responsible therefor within thirty (30) days of the date of the billing for such costs, the chief of police shall file with the city clerk a sworn or certified statement showing the response costs incurred, the date costs were incurred, and the description of the property to which the response was made. The recordation of such a sworn or certified statement with the county recorder shall constitute a lien on the property. The remedy provided in this subsection shall not constitute an election of remedies by the city.

(g) *Application of Section:* This section shall only apply to activities described in subsection (a) above, for which a citation may be issued for a violation of a city ordinance or state statute. (Ord. No. 812, § 1, 6-13-89)

Sec. 15-92. Appeals.

(a) Any person who has been notified by the city that he or she will be held liable for second or subsequent response costs in accordance with this article may appeal to the city manager. The appeal shall be in writing, shall be signed by the appellant, and shall set forth the facts and reasons upon which the appeal is based. The appeal must be filed with the city clerk within ten (10) days following the date of official written notice to the appellant that he or she will be held liable for such costs.

(b) Upon receipt of an appeal, the city clerk shall cause the matter to be forwarded to the city manager, who will schedule a hearing to hear the appeal.

(c) The appellant shall be notified in writing at least five (5) days in advance of the hearing.

(d) The city manager shall hear the appeal and determine whether to allow the relief being sought or to deny the appeal.

(e) Upon denial of an appeal, the appellant shall have ten (10) days to pay the applicable response costs, or the city may commence proceedings to collect such sums as are due as provided by law and to place a lien upon the affected property. (Ord. No. 812, § 1, 6-13-89)

Sec. 15-93. Nuisance declared.

It is hereby declared that loud or unruly parties which create a threat to the public peace, health, safety or welfare constitute a public nuisance. No person, firm, corporation, association or other legal entity owning, leasing or occupying real property in the City of Belmont shall create, commit, maintain or permit such a public nuisance to occur on said property. (Ord. No. 812, § 1, 6-13-89)

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